

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SCOTT A. CHAMBERS and JOHN C. BURNETTE, on behalf
of themselves and all others similarly situated,

Plaintiffs,

v.

MERRILL LYNCH & CO., INC., MERRILL LYNCH, PIERCE,
FENNER & SMITH, and BANK OF AMERICA
CORPORATION,

Defendants.

10-CV-07109 (AJN)

**NOTICE OF MOTION FOR PRELIMINARY APPROVAL OF CLASS-WIDE
SETTLEMENT**

PLEASE TAKE NOTICE that, upon the accompanying Amended Class Action Complaint, Memorandum of Law and Stipulation of Settlement with exhibits, Plaintiffs Scott A. Chambers and John C. Burnette ("Named Plaintiffs") and Defendants Merrill Lynch & Co., Inc., Merrill Lynch, Pierce, Fenner & Smith, and Bank of America Corporation ("Merrill") will move this Court, on August 24, 2012, in Courtroom 23B, pursuant to Fed.R.Civ. Pro. 23 for a Preliminary Approval Order with respect to the settlement agreed to by the Named Plaintiffs and Merrill (the "Class-wide Settlement"):

- (1) conditionally certifying the Class as described in the Class-wide Settlement pursuant to Rule 23(a) and (b)(3);
- (2) appointing Class Counsel pursuant to Rule 23(g);
- (3) preliminarily finding that the Class-wide Settlement is fair, reasonable and adequate pursuant to Rule 23(e);
- (4) ordering that notice of the Class-wide Settlement be provided to the Class and approving the form and manner of such notice;
- (5) scheduling a fairness hearing to determine whether the Class-Wide Settlement should be given final approval; and
- (6) establishing dates for the dissemination of the

Class notice, deadlines for opt-outs, withdrawals and objections to the Settlement and other relevant deadlines.

Dated: New York, New York
August 24, 2012

HANLY CONROY BIERSTEIN SHERIDAN
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